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APPLICATION NO	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO	CONFIRMATION NO
09 393,563	09 10 1999	JAMES R. WOODWARD	LD-10956-GEC	2909

7590 06 04 2002

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EXAMINER

GUHARAY, KARABI

ART UNIT	PAPER NUMBER
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2879

DATE MAILED: 06 04 2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/393,563

Examiner

Karabi Guharay

Applicant(s)

WOODWARD ET AL.

Art Unit

2879

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: \_\_\_\_

Response, filed on March 18, 2002 has been entered.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-7, and 9-12, 14-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Sugimoto et al. (US 6208070 B1).

Regarding claim 1, Sugimoto et al. disclose a ceramic metal halide lamp (see Fig 1) comprising an envelope (9), an elongated interior chamber (1) disposed within the envelope having a lamp body (discharge tube 1) located therein (lines 46-48 of column 3), at least one electrode lead (17a of Fig 3) partially housed by the interior chamber (11 of Fig 2) and a single continuous elongated mandrel (16a and 19a) forming a shaft of the electrode lead (lines 23-26 of column 4, and 61-65 of column 4, and line 3 of column 5).

Regarding claim 2, Sugimoto et al. disclose that the interior chamber (1 of Fig 1) has first and second leg (13a and 13b of Fig 2) extending therefrom for receiving a first and second lead (17a and 17b) respectively (see Fig 2 and Fig 3).

Regarding claims 3 and 4, Sugimoto et al. disclose that electrode lead (17a of Fig 3) includes a tip coil (15a) operatively associated with one end of the mandrel and tip coil is formed from tungsten (see Fig 3, lines 61-63 of column 4).

Regarding claims 5 and 6, Sugimoto et al. disclose that the electrode lead (17a) includes an overwind component formed of molybdenum, operatively associated with the mandrel at a predetermined position (see Fig 3, lines 9-11 of column 5).

Regarding claim 7, mandrel is formed from a single piece of tungsten wire (mandrel portion comprising feed portion 16a and electrode portion 19a having same diameter and both are made of tungsten, see Fig 2 or Fig 3).

Regarding claim 9, Sugimoto et al. disclose a ceramic metal halide lamp (see Fig 1) comprising an envelope (9), an interior chamber (1) disposed within the envelope (lines 46-48 of column 3), at least one electrode lead (17a of Fig 3) partially housed by the interior chamber (11 of Fig 2) and a single continuous elongated mandrel (16a and 19a), an electrode tip coil (15a of Fig 3) operatively associated with one end of the mandrel, and a overwind component operatively associated with the mandrel at a predetermined position ( see Fig 3, lines 23-26 of column 4, and 61-65 of column 4, and line 3 of column 5, and lines 9-11 of column 5).

Claim 10 recites essentially the same limitation of claim 4. Thus claim 10 is rejected as claim 4 (see rejection of claim 4).

Claim 11 recites essentially the same limitation of claim 6. Thus claim 11 is rejected as claim 6 (see rejection of claim 6).

Claim 12 recites essentially the same limitation of claim 7. Thus claim 12 is rejected as claim 7 (see rejection of claim 7).

The method claims of 14-18 are rejected with respect to Sugimoto et al. in view of rejection of claims 1-7 and 9-12, since the method of claims 14-18 inherently follow the structure of claims 1-7, and 9-12.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugimoto et al. as applied in claim 1 above.

Regarding claims 8 and 12, Sugimoto et al. meet all the claimed limitations of claim 8, and 12, except for the limitation of outside diameter of the overwind component being greater than the outside diameter of the electrode tip coil. Sugimoto is silent about the dimension of the electrode coil tip. However, It is noted that applicant's limitation of having outside diameter of the overwind portion greater than the outside diameter of the electrode tip coil, does not solve any of the stated problems or yield any unexpected result that is not within the scope of the teachings applied. Therefore it is considered to be a matter of choice, which a person of ordinary skill in the art would have found obvious to choose the outside diameter of the electrode tip coil to be less than the outside diameter of the overwind component (as evidenced in the device of Stoffels et al. US 5751111).

***Response to Arguments***

Applicant's arguments filed on March 18, 2002, have been fully considered but they are not persuasive.

First of all, applicant contends that 16a and 19a are of different sectional diameter.

However, examiner respectfully disagrees. Sugimoto at column 4, lines 61-65, teaches that the tungsten wire, which constitute the electrode coil 15a has sectional diameter 0.25 mm. This is not the sectional diameter of 19a or 19b. Moreover, figures clearly show that 19a has same sectional diameter (0.5 mm) as of 16a (see Fig 3) and made of same material tungsten.

Second of all, applicant contends that Sugimoto refers to 16a as "feed portion" and 19a as "electrode portion", moreover Sugimoto teaches the use of two separate by the line shown in the Fig 2, Fig 3, and Fig 9. Thus it is not a single continuous elongated mandrel.

In response to this examiner respectfully points out that since feed portion 16a and electrode portion 19a having same sectional diameter and having same material hold together without any gap (see lines 26-29), it constitutes a unitary whole, in other words, a single integral and gapless continuous piece. Meaning of single continuous is not limited to a fabrication of one piece construction (see, *In re Larson* 144 USPQ 347 (CCPA 1965)).

**Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


**Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karabi Guharay whose telephone number is (703) 305-1971. The examiner can normally be reached on Monday-Friday 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimeshkumar D. Patel can be reached on (703) 305-4794. The fax phone number for the organization is (703) 308-7382.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

  
Karabi Guharay  
Patent Examiner  
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Nimeshkumar D. Patel  
Supervisor  
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